

REMARKS

Claims 1, 2, 5-7 and 9-11 are pending in this application.

These claim amendments follow a cordial interview on September 15, 2009, which we previously summarized.

Rejection Under 35 U.S.C. § 102(e) of Claims 1-2, 5-7, and 9-11

The Examiner rejects **claims 1-2, 5-7, and 9-11** under 35 U.S.C. § 102(e) as anticipated by Logan et al. (US 2003/0093790).

We begin with claim 5, because that is the claim that we interviewed.

Claim 5

Claim 5, as amended, includes the limitations:

a shared personal video recorder (PVR) network server at a distribution system head end, said PVR network server for storing multiple TV programs with one or more TV programs containing TV metadata defining unwanted program segments of the TV programs;

~~a specific program delivered to a specific TV display, with the specific program having stored metadata defining unwanted program segments;~~

a processor and logic coupled to the shared personal video recorder network server adapted to compare the TV metadata with the stored metadata and to remove undesired program segments from ~~a the~~ specific program to prepare the specific program for delivery to a specific TV display; and

further logic adapted to cause reimbursement of a source content program supplier, the source content supplier distinct from the operator of the distribution system head end, for financial loss from removal of the undesired program segments from the specific program

These limitations are not found in Logan.

In this amendment, we moved the limitations of the second, specific program element into the first, shared PVR element and the third processor and logic element without narrowing the claim, even potentially broadening the claim.

From the perspective of one of ordinary skill in the art, substitution of "source content supplier" for "program supplier" would not change the scope of the claim, as read in light of the specification.

We acknowledge that the language of the further logic element that distinguishes the source content supplier from the operator of the distribution system head end does narrow the claim.

From our interview, it appeared that the Examiner was enthusiastic about how this application describes and claims an apparatus and method that address a derivative copyright issue which the art of record does not address or resolve. With the amendments, claim 5 readily distinguishes and should be allowable over Logan and other art of record.

We look forward to the outcome of a supplemental search and are available to authorize an examiner's amendment, should that be useful in putting the case in condition for allowance.

Claim 6-7

Dependent claims 6-7 are allowable for at least the same reasons as Independent claim 5 from which they depend.

Claim 1

Claim 1 includes the limitations:

storing on a shared personal video recorder (PVR) network server at a distribution head end one or more TV programs containing a first class of metadata including a start location and a stop location of potentially undesired segments;

retrieving one of the TV programs for display;

defining, with a second class of metadata, unwanted segments specific to a user of said TV display, matching the first class of metadata with the second class of metadata;

removing, responsive to matching the first class of metadata with the second class of metadata, undesired segments from the TV program; and

reimbursing source content suppliers for a financial loss occasioned by removed material, wherein the source content suppliers are distinct from an operator of the distribution head end.

These limitations are not found in Logan. Only some of the amendments to this claim are highlighted above, for emphasis. The highlighted phrases make the amendments to claim 1 consistent with the amendments to claim 5 discussed above. Claim 1 and claim 9 are similar, with the PVR located at the head end (1) and at an unspecified location (9).

The amended claim includes limitations that distinguish over the art of record for reasons given in our interview summary and in the remarks above. Therefore, claim 1 should be allowable over Logan.

Claim 2

Claim 2 is allowable for at least the same reasons as claim 1 from which it depends. Therefore, claim 2 should be allowable over Logan et al.

Claim 9

Claim 9 includes the limitations:

personal video recorder (PVR) server that stores multiple TV programs with one or more such programs containing TV metadata defining unwanted program segments of the TV programs;

a processor and logic coupled to the shared personal video recorder network server adapted to receive user instructions on demand to remove undesired program segments from a specific program, to evaluate the TV metadata of the specific program, and to remove the undesired program segments from the specific program; and

further logic adapted to cause reimbursement of a source content supplier for financial loss from removal of the undesired program segments from the specific program.

These limitations are not found in Logan. Only some of the amendments to this claim are highlighted above, for emphasis. The highlighted phrases make the amendments to claim 1 consistent with the amendments to claim 5 discussed above.

An interesting feature of claim 9 is emphasis on the user having the option of eliminating commercials from one specific program, on demand. The PVR accommodates this request and causes reimbursement of the source content supplier. The reimbursement typically would be indirect, through the program distributor, such as a cable or satellite content distributor.

With amendments, claim 9 should be allowable over Logan.

Claim 10-11

Dependent claims 10-11 are allowable over Logan et al. for at least the same reasons as independent claim 9 from which they depend. With regard to claims 10-11, typographical errors were introduced into the claims sometime after the language was amended on April 28, 2008 so we have changed them back to their original form.

Applicants respectfully submit that claims 1-2, 5-7, and 9-11 should be allowable over Logan et al.

CONCLUSION

Applicants respectfully submit that the pending claims are now in condition for allowance and thereby solicit acceptance of the claims as now stated.

Applicants would welcome an interview, if the Examiner is so inclined. The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 a.m. to 5:30 p.m. PST, Monday through Friday, and can be reached at his cell phone at (415) 902-6112 most other times.

Fee Authorization. The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869 (GBTV 1001-1).

Respectfully submitted,

Dated: September 22, 2009

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